

### Remarks

Claims 1-27 are at issue. Claims 1-27 stand rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-27 stand rejected under the judicially created doctrine of double patenting over claim 16 of USPN 6,167,400.

The applicant's respectfully disagree that the term "behavior" is indefinite. Attached is a copy of pages 319 & 320 of *Discrete Mathematics and Applied Modern Algebra*, By Henry B. Laufer, PWS Publishers, 1984. These pages are discussing finite state machines and definition 7.3 defines the term "behavior" for finite state machines. This definition is consistent with the definition given in the patent application. In addition, note that the background section, page 2 lines 19-23 discuss the limitations of finite state machines to solve this problem. Clearly the term "behavior" has a very exact definition in the context of finite state machines. Since the application solves a problem to which finite state machines have been applied it makes sense to use similar terminology and the way the term is used in the application is consistent with this definition. The rejection of claim 1-27 under 35 USC 112, second paragraph should be withdrawn.

The applicant's respectfully disagree with the Examiner's double patenting rejection. Claim 16 of USPN 6,167,400 depends from claim 10. Claim 10 requires seven steps that include generating an associative database, selecting a first window and a second window. Nothing in claim 1 of the present application requires an associative database or a first window or a second window. Similar statements can be made about the other independent claims (14 & 24).

According to the MPEP 804 (Obviousness-Type), this rejection requires that the claimed subject matter is **not patentably distinct** (emphasis in original). USPN 6,617,400 describes how to perform a sliding window search. The present application, works with non-sliding window searches and has much broader applications than a sliding window search. The double patenting rejection should be withdrawn.

The application has been placed in condition for allowance, prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Brandin)

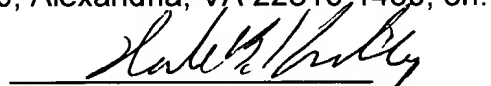
By



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I hereby certify that a Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on:

2/27/04  
Date

  
Signature (Dale B. Halling)